

UTILITY PATENT APPLICATION TRANSMITTAL

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Attorney Docket No.

BENDERLY

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, **David BENDERLY**, entitled **GEMSTONE MARKING SYSTEM AND METHOD**, for a(n):

() Original Patent Application.

(X) Continuing Application (prior application not abandoned):

(X) Continuation () Divisional () Continuation-in-part (CIP)

of prior Application No. **10/353,146**, filed on **January 28, 2003**.

() A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

(X) Specification; 12 Total Pages. (X) Drawing(s); 1 Total Sheets.

(X) Oath or Declaration:

() A Newly Executed Combined Declaration and Power of Attorney:

() Signed.

() Unsigned.

() Partially Signed.

(X) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).

() Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference.

() Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).

() Power of Attorney.

(X) Return Receipt Postcard.

() Associate Power of Attorney.

(X) A Check in the amount of **\$385.00** for the Filing Fee.

(X) Preliminary Amendment.

() Information Disclosure Statement and Form PTO-1449.

() A Certified Copy of Priority Documents (if foreign priority is claimed) with Translation.

(X) **APPLICANT CLAIMS SMALL ENTITY STATUS.**

() Other:

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	12	0	\$9.00	\$0.00
Independent Claims	1	0	\$43.00	\$0.00
Multiple Dependent Claim Fee (if applicable)				\$0.00
Assignment Recording Fee (if applicable)				\$0.00
Basic Filing Fee				\$385.00
Total Filing Fee				\$385.00

Please charge \$_____ to Deposit Account No. _____ pursuant to 37 CFR § 1.25. At any time during the pendency of this application, the Commissioner is hereby authorized to charge any fees required or credit any overpayment to this Deposit Account. A duplicate copy of this sheet is enclosed for fee processing against this Deposit Account.

Respectfully submitted,

By: _____

Alan Israel, Attorney of Record, Reg. No. 27564

Date: January 15, 2004

Correspondence Address:

Kirschstein, Ottinger, Israel & Schiffmiller, P.C.
489 Fifth Avenue
New York, NY 10017-6105
Phone: 212-697-3750
Fax: 212-949-1690

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

By: _____

Typed Name: Lori G. Witkin

Express Mail Label No.: EV 332 342 375 US

Date of Deposit: January 15, 2004